

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Panchayat Raj & Rural Development Department – Allegations of corruption against Sri M. Chandramouli, former Village Secretary, G.P Domalakunta of Pegadapally (M), Karimnagar District (now retired) – Trapped by the ACB officials on 28.01.2003 when he demanded and accepted bribe amount Rs.1000/- – Placed the AO on his defence before the Tribunal for Disciplinary Proceedings (TDP) – Found guilty of the charge – Imposed a punishment of withholding of entire pension and pensionary benefits permanently under 9 of APRP Rules,1980 – Review Petition filed – Rejected – Filed O.A.No.4424 of 2009 before the APAT – Judgment pronounced – Re-examined the issue - Imposing a penalty of 75% cut in pension, instead of 100% cut in pension – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.III-A) DEPARTMENT

G.O.Ms.No. 270

Dated: 11.09.2012
Read the following:-

1. Procs.No.A3/205/203-Pts, dated: 30.01.2003.
2. From the DG, ACB, Hyd., Rc.No.18/RCT-KNR/03, Dt.7.7.2003.
3. Govt.Memo.No.4266/VS.II/A1/2003-2, Dt.24.01.2004.
4. Enquiry report of the TDP in TEC No.109 of 2004,dt.28.06.2006.
5. Govt.Memo.No.4266/Vig.III-A/2003-10, Dt.16.11.2006.
6. Explanation of Sri M. Chandramouli, Village Secretary, MP Bheemadevarapally, dt.Nil.
7. G.O.Ms.No.43, PR & RD (Vig.III-A) Dept., dt.6.02.2008.
8. Review Petition of Sri M. Chndramouli, Village Secretary, GP Domalakunta, Pegadapally (M), Karimnagar district, dt.15.4.08.
9. Govt.Memo.No.4266/Vig.III-A/2003-31,dt:22.8.2008.
10. Judgement dt.9.11.2011 of the Hon'ble APAT in O.A.No.4424 of 2009.
- 11.Representation of Sri M. Chandramouli, Pt. Secy. (Retd.), dt.3.1.2012.

<<>>

ORDER:

Sri M. Chandramouli while working as Village Secretary, Domalakunta village of Pegadapalli Mandal, Karimnagar district was trapped by the Anti-Corruption Bureau Officials on 28.01.2003, when he demanded and acceptance of an amount of Rs.1,000/- as bribe from the complainant for showing official favour in processing the mutation of land. As such, in the reference 1st read above, the District Collector (Panchayat wing), Karimnagar was placed the Charged Officer under suspension. After examining the final report of the Director General, Anti Corruption Bureau, Government have decided and placed the Charged Officer on his defence before the Tribunal for Disciplinary Proceedings (TDP) to conduct inquiry into the allegation of corruption against him vide reference 3rd read above. The Tribunal for Disciplinary Proceedings after conducting enquiry submitted its report in TEC No.109 of 2004 holding that the Charged Officer is found guilty of misconduct of the charge against him vide reference 4th read above. In the meanwhile, he was retired from service on attaining the age of superannuation.

2) In the reference 5th read above, a copy of the Tribunal for Disciplinary Proceedings report was communicated to the individual as required under Rule 6(2) (b) of the A.P. Civil Services (DPT) Rules, 1989 and directed him to submit his representation on the said report within 15 days from the date of receipt of the Memo.

3) In the reference 6th read above, the Charged Officer submitted his explanation stating that the Village Secretary is not the competent person for effecting Jamabandi and issuing of the pass book and this is done by the Mandal Revenue Officer. Further, he contended that on the particular day of the alleged trap this subordinate was collecting the arrears of land revenue at the village temple and was not at the office. The brother in law of the complainant Varala Narsaiah who had

PTO

been examined as a defence witness had to pay arrears of land revenue and he had sent the arrears of the said land revenue through the complainant for which receipt also given. Thus the said amount cannot be viewed as a bribe in any manner. Further, he stated that the complainant had a machine with no current connection and thus for having stopped the use of the illegal current for the purpose of his machine he bore a grudge against this Village Secretary and foisted this false complainant. Thus, the whole case is illegal and false and requested to drop further action.

4) Government, after following due procedure laid down in CCA Rules, 1991, have issued orders imposing a penalty of withholding of entire pension and pensionary benefits on Sri M. Chandramouli, Village Secretary, GP Domalakunta, Pegadapalli (M), Karimnagar district vide reference 7th read above.

5) In the reference 8th read above, Sri M. Chandramouli, Village Secretary (Retired) has filed a review petition and requested the Government to exonerate, if any, thing find wrong on him and pass appropriate orders for the settlement of case by issuing orders not to suffer him total disruption at this stage. Government have examined the review petition and rejected vide reference 9th read above, since the individual did not put forth any new grounds that warrants reconsideration of the matter and observed that all the submissions made by him in his review petition, were already examined by the Tribunal for Disciplinary Proceedings.

6) Aggrieved by the above orders, the Charged Officer has filed an OA No. 4424 of 2009 before the A.P. Administrative Tribunal, Hyderabad praying for set-aside the impugned orders issued in the ref. 7th read above. The Hon'ble A.P. Administrative Tribunal in its final orders dated 9.11.2011, has delivered the Judgement is as follows:

"The 1st respondent has nowhere discussed anything about explanation given by the applicant on two occasions to the Memos dated.16.12.2006 and dated.3.12.2007 and simply stated that after careful examination of the representations, a punishment of withholding of entire pension and pensionary benefits to be imposed against the applicant is rejected or accepted. It is only stated that, after careful consideration of the representations of the applicant, the Government is imposing punishment of withholding of entire pension and pensionary benefits of the applicant. Thus, neither in the GO issued imposing punishment nor in the Memo, there is no discussion regarding various contentions raised by the applicant in the explanation. Further the applicant has preferred a review to the 1st respondent vide order dt.15.04.2008 against the orders of punishment imposed in G.O.Ms.43, dated.6.2.2008 against raising number of grounds and requested to exonerate him and pass appropriate orders in order to save him. Even at that stage, in the order of review, the 1st respondent has only stated that the Government has examined and reviewed the petition of the applicant and considered that the individual did not put forth the grounds, which warrants reconsideration of the matter....

In my opinion, withholding of entire pension and pensionary benefits of the applicant by way of punishment is too harsh after having rendered service of 30 years.

Under these circumstances, the matter is remanded back to the 1st respondent (Govt.) for passing orders imposing lesser punishment after due consideration. The impugned order so far as the punishment vide G.O.Ms.No.43, dt.6.2.2009 of withholding entire pension and pensionary benefits above is set aside and the 1st respondent is directed to re-consider the entire matter and pass fresh orders imposing appropriate punishment against the applicant within a period of eight weeks from the date of receipt of a copy of this order".

Contd...on 3.

7) The Charged Officer in the reference 8th read above, has filed a Review Petition before the Government wherein he has stated that the amount given by the PW1 (complainant) was pertain to Land Revenue, but not tainted amount is incorrect. In fact, the Tribunal for Disciplinary Proceedings after thorough enquiry held that PW1, PW3 and PW4 all have stated that an amount of Rs.1000/- was demanded by the Charged Officer for official favour for processing the mutation of land purchased by the complainant PW1 and accepted by Charged Officer. The Phenolphthalein test conducted by the Anti-Corruption Bureau officials was yielded positive result that it was the trap money available with the Charged Officer. Further, as per the Tribunal for Disciplinary Proceedings report, when PW1 was examined in the Tribunal it was elicited from him that Narsaiah was his senior paternal uncle and he got brother-in-law and his brother-in-law did not have any lands in his village and his wife also did not have any land and PW1 categorically denied the suggestion put to him that he gave Rs.1000/- towards payment of land revenue due by his brother-in-law Narsaiah to Charged Officer. Accordingly, his review petition was considered and rejected vide reference 9th read above, since the Charged Officer did not put forth any new grounds that warrants reconsideration of the matter.

8) In the reference 11th read above, Sri M. Chandramouli, former Village Secy., GP Domalakunta, Pegadapalli Mandal of Karimnagar district (now retired) in his representation 3.1.2012, while enclosing a copy of the Judgement of the Hon'ble A.P. Administrative Tribunal, Hyderabad has requested the Government to reconsider the matter as directed by the Hon'ble A.P. Administrative Tribunal and pass fresh orders releasing pension and pensionary benefits to him.

9) The Government have re-examined the matter, keeping in view the orders of the Hon'ble A.P. Administrative Tribunal, Hyderabad in O.A.No.4424 of 2009 dt:9.11.2011 and representation of the Charged Officer, have decided to impose a penalty of 75% cut in pension instead of 100% cut in pension imposed earlier by the Government in the reference 7th read above on the Charged Officer Sri M. Chandramouli, Village Secretary, GP Domalakunta, Pegadapalli (M), Karimnagar district (Retired) under Rule 9 of A.P. Revised Pension Rules, 1980. Accordingly, Government hereby impose a penalty of 75% cut in pension instead of 100% cut imposed earlier on Sri M. Chandramouli, Village Secretary (Retired), Karimnagar district under Rule 9 of APRP Rules, 1980.

10) The Commissioner, Panchayat Raj & Rural Employment, Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To
Sri M. Chandramouli, Village Secretary, GP Domalakunta, Pegadapalli (M),
Karimnagar district (Retired) through the Commissioner,
Panchayat Raj & Rural Employment, Hyderabad.

The Commissioner, Panchayat Raj & Rural Employment, Hyderabad.

Copy to:-

The District Collector, (Panchayat Wing), Karimnagar.

The Director General, Anti Corruption Bureau, Hyderabad.

The Secretary to Vigilance Commissioner, A.P. Vigilance Commission, Hyderabad.

The District Treasury Officer, Karimnagar.

The Accountant General, AP-Hyderabad.

SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER